

TITLE 1: GOVERNMENT AND ADMINISTRATION

DIVISION 1: GENERAL PROVISIONS

Chapter 2: Violations and use of Citation.

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11.021 General Penalty for Violations.

Any person violating any of the provisions of this Code, unless as otherwise specified for certain sections or for sections within a certain chapter, shall be guilty of a misdemeanor, and, upon conviction thereof, the penalty shall be a fine of not more than five hundred dollars (\$500) or imprisonment in the County jail for a period of not more than six (6) months or by both such fine and imprisonment. Where specified in a section or chapter of this Code that the violation of a certain section or sections shall be an infraction, that shall be the type of offense and shall be punishable by (1) a fine not exceeding one hundred dollars (\$100) for a first violation; (2) a fine not exceeding two hundred dollars (\$200) for a second violation of the same Code section within one year; (3) a fine not exceeding two hundred fifty dollars (\$250) for each additional violation of the same Code section within one year.

Adopted Ordinance #2354 (1979); Amended Ordinance #3766 (1999);

11.022 Continuing Violations.

Each person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of this Code is committed, continued, or permitted by such person and shall be punishable accordingly.

11.023 Acts Including Causing, Aiding and Abetting.

Whenever in this Code any act or omission is made unlawful, it shall include causing, permitting, aiding or abetting such act or omission.

11.024 Use of Citation.

(a) If any person is arrested for a violation of any provision of this Code or for violation of any ordinance of the County of San Bernardino, including those ordinances hereafter enacted, violations of which are punishable as misdemeanors, and such person is not immediately taken before a magistrate, as more fully set forth in the Penal Code of California, the arresting officer shall prepare in duplicate a written notice to appear in Court, containing the name and address of such person, the offense charged, and the time and place where and when such person shall appear in Court.

(b) The place specified in the notice to appear shall be the Court of a magistrate before whom the person would be taken if the requirement of taking an arrested person before a magistrate were complied with, or shall be an officer authorized by such Court to receive a deposit of bail.

(c) The officer shall deliver one copy of the notice to appear to the arrested person, and the arrested person in order to secure release, must give his written promise so to appear in court by signing the duplicate notice which shall be retained by the officer. Thereupon the arresting officer shall forthwith release the person arrested from custody.

(d) The officer shall, as soon as practicable, file the duplicate notice with the magistrate specified therein. Thereupon, the magistrate shall fix the amount of bail which in his judgment, in accordance with the provisions of Section 1275 of the Penal Code, will be reasonable and sufficient for the appearance of the defendant and shall endorse upon the notice a statement signed by him in the form set forth in Section 815a of the Penal Code. The defendant may, prior to the date upon which he promised to appear in Court, deposit with the magistrate the amount of bail thus set. Thereafter, at the time when the case is called for arraignment before the magistrate, if the defendant shall not appear, either in person or by counsel, the magistrate may declare the bail forfeited, and may in his discretion order that no further proceeding shall be had in such case.

Upon the making of such order that no further proceedings be had, all sums deposited as bail shall forthwith be paid into the County Treasury for distribution pursuant to Section 1463 of the Penal Code.

(e) No warrant shall issue on such charge for the arrest of a person who has given such promise to appear in Court, unless and until he has violated such promise or has failed to deposit bail, to appear for arraignment, trial or judgment, or to comply with the terms and provisions of the judgment, as required by law.

(f) When a person signs a written promise to appear at the time and place specified in the written promise to appear, and has not posted bail as provided in Section 853.1 of the Penal Code, the magistrate shall issue and have delivered for execution a warrant for his arrest within twenty (20) days after his failure to appear as promised; or if such person promises to appear before an officer authorized to accept bail, other than the magistrate, and fails to

do so on or before the date on which he promised to appear, then, within twenty (20) days after the delivery of such written promise to appear by the officer to the magistrate having jurisdiction over the offense.

- (g) Nothing herein contained shall be deemed or construed to require any arresting officer to issue a citation instead of taking the person arrested before a magistrate as otherwise provided by law.

Adopted Ordinance #819 (1957); Amended Ordinance #867 (1968)